

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 1, Chama Mainstream

Ghost Ranch Ditch
Subfile No. CHCJ-007-0001

MOTION FOR ORDER APPROVING AND ADOPTING THE
STIPULATION ON PRIORITY DATE
OF WATER RIGHTS UNDER GHOST RANCH DITCH

The Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), by and through its undersigned counsel, requests the Court to enter an Order approving and adopting the *Stipulation on Priority Date* filed November 19, 2010 (Doc. No. 9981) on the water rights in Subfile CHCJ-007-0001 in Section 1 of the Chama Mainstream Section, and in support of this Motion states the following:

1. The State and the owner of the water rights in Subfile CHCJ-007-0001 have entered into a stipulation on the priority date (1889) of the water rights in Subfile CHCJ-007-0001 under the Ghost Ranch Ditch, a private ditch in Section 1 of the Rio Chama Stream System. *See Stipulation on Priority Date* filed November 19, 2010 (Doc. No. 9981).

2. The Court should enter an Order that approves and adopts the *Stipulation on Priority Date* filed November 19, 2010, and that revises the *Consent Order* filed September 11, 2003 (Doc. No. 7219) to include a priority date of 1889 for the water rights described in Subfile CHCJ-007-0001.

3. The Order approving and adopting the Stipulation on the priority date of the water rights in Subfile CHCJ-007-0001, and revising the *Consent Order* filed September 11, 2003, should be entered as a final order subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

4. A proposed Order granting this Motion is attached hereto as Exhibit 1.

WHEREFORE, the State respectfully requests the Court to enter an Order that approves and adopts the *Stipulation on Priority Date* filed November 19, 2010 (Doc. No. 9981), and that revises the *Consent Order* filed September 11, 2003 (Doc. No. 7219), to include a priority date of 1889 for the water rights in Subfile CHCJ-007-0001.

FURTHER, the State requests that the Court enter the requested Order as a final judgment, subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of April, 2011, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville
EDWARD G. NEWVILLE